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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,813	10/30/2003	Donald H. Osterberg JR.	ORCL-2002-183-01	2479

7590 12/20/2006  
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EXAMINER
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WHIPPLE, BRIAN P

ART UNIT	PAPER NUMBER
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2196

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/698,813

Applicant(s)

OSTERBERG, DONALD H.

Examiner

Brian P. Whipple

Art Unit

2196

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 are pending in this application and presented for examination.

#### ***Claim Objections***

2. Claim 19 depends from itself, but further defines material introduced in claim 18.

It may have been intended for claim 19 to depend from claim 18. Appropriate correction is required.

3. Claim 19, line 2, "said request" lacks antecedent basis. Appropriate correction is required.

4. Claims 4 and 8 are objected to for lack of antecedent basis:

- a. "said authorization indicator," claim 4, line 2, and claim 8, line 3;
- b. "said address," claim 8, line 3;
- c. "said authorization indicator," claim 8, line 3.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2196

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As to claim 8, line 3, the meaning of "said address said authorization indicator is sent to" is unclear. The authorization indicator may be sent to the source address or any other entity. The examiner interpreted "said address said authorization indicator is sent to" as any address to which an authorization indicator has been sent.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 11, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldman, U.S. Publication No. 2003/0233418 A1.

10. As to claim 1, Goldman discloses an unsolicited e-mail internet protocol source address verification method (Abstract, lines 1-12) comprising:

Art Unit: 2196

receiving a request for authorization to forward an electronic mail message

(Figure 6, items 34-35; [0056], lines 1-12);

responding to said request for authorization to forward said electronic mail message (Figure 6, items 36-37; [0058], lines 1-6); and

handling receipt of said electronic mail message (Figure 2; [0034], lines 1-3).

11. As to claim 11, Goldman discloses a computer system comprising:

a processor for processing information and instructions, including instructions for verifying and tracking sources of unsolicited electronic messages (Figure 15, items 121; [0111], lines 1-7; Abstract, lines 1-12); and

a memory for storing information and instructions, including instructions for verifying and tracking sources of said unsolicited electronic messages, said memory coupled to said processor (Figure 15, items 122; [0111], lines 1-7; Abstract, lines 1-12).

12. As to claim 17, Goldman discloses an unsolicited electronic message source tracking method (Abstract, lines 1-12) comprising:

obtaining a verification indication ([0091], lines 4-7); and

forwarding an unsolicited electronic message with said verification information ([0091], lines 1-20).

13. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaminski et al. (Kaminski), U.S. Publication No. 2005/0044155 A1.

14. As to claim 1, Kaminski discloses an unsolicited e-mail internet protocol source address verification method (Abstract, lines 1-3) comprising:

receiving a request for authorization to forward an electronic mail message ([0032], lines 1-2; [0034], lines 1-4 and 9-15);

responding to said request for authorization to forward said electronic mail message ([0035], lines 1-3); and

handling receipt of said electronic mail message (Figure 10, item 450).

15. As to claim 11, Kaminski discloses a computer system comprising:

a processor for processing information and instructions, including instructions for verifying and tracking sources of unsolicited electronic messages (Page 8, left column, line 47; [0034], lines 9-15; [0036], lines 4-9); and

a memory for storing information and instructions, including instructions for verifying and tracking sources of said unsolicited electronic messages, said memory coupled to said processor (Page 8, left column, line 47; [0034], lines 9-15; [0036], lines 4-9).

16. As to claim 17, Kaminski discloses an unsolicited electronic message source tracking method ([0036], lines 4-9) comprising:

obtaining a verification indication ([0044], lines 1-3 and 8-11); and

forwarding an unsolicited electronic message with said verification information ([0044], lines 1-3 and 8-14).

17. As to claim 2, Kaminski discloses said request is initiated by a source of said electronic mail message (Figure 7, item 258 of SENDER'S MAIL CLIENT 14; [0034], lines 9-15) and

said request asks a simple mail transfer protocol agent for authorization to send an electronic mail message to a destination serviced by said simple mail transfer protocol agent ([0036], lines 1-4).

18. As to claim 3, Kaminski discloses responding to said request includes an authorization indicator ([0036], lines 10-12).

19. As to claim 4, Kaminski discloses said authorization indicator is send to a source address identified in said request (Figure 7, item 268; [0036], lines 10-12).

20. As to claim 5, Kaminski discloses performing an indication generator process in which an authorization indicator is generated (Figure 7, item 268; [0036], lines 10-12).

21. As to claim 6, Kaminski discloses said authorization indicator is a unique bit string ([0044], lines 1-3; [0045], lines 8-11).

Art Unit: 2196

22. As to claim 7, Kaminski discloses tracking said source address ([0036], lines 4-9).

23. As to claim 8, Kaminski discloses inserting an entry into said electronic mail message indicating said address said authorization indicator is sent to before forwarding said electronic mail message to an end use destination ([0046], lines 13-20).

24. As to claim 9, Kaminski discloses extracting a request source address from said request ([0034], lines 9-15; [0035], lines 1-3); and

utilizing said request source address as a destination address in a header file of a return package including authorization indicator information ([0022], lines 20-23; [0025], lines 3-4; [0035], lines 1-3; [0036], lines 10-12).

25. As to claim 12, Kaminski discloses said instructions direct determination of electronic message authorization (Page 8, left column, line 47; [0032], lines 1-2; [0034], lines 1-4 and 9-15).

26. As to claim 13, Kaminski discloses said instructions include:

formulating a request for permission to forward an electronic message including a permission request source address (Figure 7, item 258; [0034], lines 9-15);

analyzing said request for permission ([0035], lines 1-3; [0036], lines 1-4);



Art Unit: 2196

sending a permission reply to said permission request source address ([0036], lines 10-12);

forwarding an electronic message, including said permission indicator in a header ([0044], lines 1-3; [0045], lines 8-11; [0046], lines 13-20); and

tracking said permission request source address and a source address of said electronic message when received ([0036], lines 4-9).

27. As to claim 14, Kaminski discloses a message initiator inserts an indication in a header of a communication packet that said initiator is attempting to establish a communication link for a purpose of forwarding a message to a particular destination ([0038], lines 1-11),

said header also includes an indication of an initiator or source address ([0025], lines 3-5).

28. As to claim 15, Kaminski discloses said permission reply includes a permission indicator ([0036], lines 10-12).

29. As to claim 16, Kaminski discloses a time stamp is maintained of when said permission indicator is generated ([0046], lines 5-11).

Art Unit: 2196

30. As to claim 18, Kaminski discloses transmitting a request to send said unsolicited electronic message, wherein said request includes a request sender's identification ([0032], lines 1-2; [0034], lines 1-4 and 9-15).

31. As to claim 19, Kaminski discloses said request is transmitted to a simple mail transfer protocol agent and said simple mail transfer protocol agent forwards a verification indicator to a request sender's source address ([0034], lines 9-15; [0035], lines 1-3).

32. As to claim 20, Kaminski discloses said verification indicator is a unique bit string ([0044], lines 1-3; [0045], lines 8-11).

***Claim Rejections - 35 USC § 103***

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminski as applied to claim 1 above, in view of Goldman.

Art Unit: 2196

35. As to claim 10, Kaminski does not disclose verifying the source address included in the received electronic message against the address the authorization indicator is sent to.

However, Goldman does disclose verifying the source address included in the received electronic message against the address the authorization indicator is sent to ([0063], lines 1-6 and 11-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kaminski by verifying the source address of an electronic message against the given address as taught by Goldman in order to detect spoofed sender addresses, the occurrence of which typically indicates junk e-mail (Goldman, [0063], lines 11-14).

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Thu (7:30 to 5), Fri (7:30 to 4 or day off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571)272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2196

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPW

Brian P. Whipple  
12/06/06

  
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SUPERVISORY PATENT EXAMINER